

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL UNION NO. 731,)	
)	
Plaintiff)	
)	Case No.: 08CV3136 RCC
v.)	
)	Judge: JUDGE COAR
ARC DISPOSAL COMPANY, INC.,)	MAGISTRATE JUDGE BROWN
)	
Defendant.)	
_____)	

ANSWER TO COMPLAINT

Now comes Defendant, Arc Disposal Company, Inc. ("Arc Disposal" or the "Company"), by and through its attorneys, and answers the Complaint filed against it by Plaintiff International Brotherhood of Teamsters Local Union No. 731 ("Local 731" or the "Union") as follows:

1. The allegations contained in Paragraph 1 of the Complaint are admitted.
2. The allegations contained in Paragraph 2 of the Complaint are admitted.
3. The allegations contained in Paragraph 3 of the Complaint are denied.
4. The allegations contained in Paragraph 4 of the Complaint are admitted.
5. The allegations contained in Paragraph 5 of the Complaint are denied.
6. Arc Disposal admits that a labor management committee issued an award in favor of the Union based on a grievance it had filed over the termination of Thomas J. Lexa. Any and all remaining allegations in Paragraph 6 of the Complaint are denied.
7. The allegations contained in Paragraph 7 of the Complaint are denied.

FIRST AFFIRMATIVE DEFENSE

This Court lacks subject matter jurisdiction.

SECOND AFFIRMATIVE DEFENSE

Enforcement of the award would violate a well-defined public policy.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Arc Disposal respectfully requests that this Court dismiss the Complaint in its entirety and with prejudice, and award Arc Disposal its costs and fees, including reasonable attorneys fees, which it has been forced to incur in defending itself against this action, and allow Arc Disposal such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Ross H. Friedman

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Of Counsel

CERTIFICATE OF SERVICE

I, Ross H. Friedman, hereby certify that a true and correct copy of Defendant's Answer to Plaintiff's Complaint was served by hand delivery this 15th day of July, 2008 upon:

Robert E. Bloch, Esq.
Steven W. Jados, Esq.
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/s/ Ross H. Friedman
Ross H. Friedman